



Billing Code: 5001-06

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2013-0042]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Navy proposes to alter the system of records, N01850-2, entitled "Physical Disability Evaluation System Proceedings" in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system will be used to determine fitness for duty or eligibility for separation or retirement due to physical disability of Navy and Marine Corps personnel, by establishing the existence of disability, the degree of disability, and the circumstances under which disability was incurred, and to respond to official inquiries concerning the disability evaluation proceedings of particular service personnel.

DATES: This proposed action will be effective on **[INSERT DATE 31 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** unless comments are received which result in a contrary determination. Comments will be accepted on or before **[INSERT DATE 30 DAYS FROM DATE PUBLISHED IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- * Federal Rulemaking Portal: <http://www.regulations.gov>.

Follow the instructions for submitting comments.

- * Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350-3100.

Instructions: All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, Head, PA/FOIA Office (DNS-36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350-2000, or by phone at (202) 685-6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office website at

<http://dpclo.defense.gov/privacy/SORNS/component/navy/index.html>

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The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on October 31, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: December 3, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01850-2

System Name:

Physical Disability Evaluation System Proceedings (April 14, 1999, 64 FR 18410).

Changes:

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System ID:

Delete entry and replace with "NM01850-2."

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Categories of individuals covered by the system:

Delete entry and replace with "All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability.

All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability and been found fit for duty by such boards."

Categories of records in the system:

Delete entry and replace with "File contains medical board reports; statements of findings of physical evaluation boards; medical reports from Department of Veterans Affairs and civilian medical facilities; copies of military health records; copies of the Judge Advocate General's (JAG) Manual investigations; copies of prior actions/appellate

actions/review taken in the case; recordings of physical evaluation board hearings; rebuttals submitted by the member; intra and interagency correspondence concerning the case; correspondence from and to the member, members of Congress, attorneys; and documents concerning the appointment of trustees for mentally incompetent service members. Records include name, Social Security Number (SSN), DoD ID Number, date of birth, mailing/home address, home/work or mobile phone numbers, home/work email address, record number, military grade/rate, year of disability proceeding and date of disability evaluation system action."

Authority for maintenance of the system:

Delete entry and replace with "5 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 1216a, Determinations of Disability:

Requirements and Limitations on Determinations; DoD 6025.18-R, DoD Health Information Privacy Regulation; and E.O. 9397 (SSN), as amended."

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and replace with "In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a (b) (3) as follows:

To officials and employees of the Department of Veterans Affairs to request and verify information of service-connected disabilities in order to evaluate applications for veteran's benefits.

The DoD Blanket Routine Uses set forth at the beginning of the Department of Navy's compilation of system of records notices may apply to this system.

NOTE: This system of records contains Individually Identifiable Health Information. The DoD Health Information Privacy Regulation (DoD 6025.18-R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025-18-R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974, as amended, or mentioned in this system of records notice."

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Storage:

Delete entry and replace with "Paper and electronic storage media."

Retrievability:

Delete entry and replace with "Name, record number, year of disability proceeding, and SSN."

Safeguards:

Delete entry and replace with "Files are maintained in file cabinets and electronic storage media under the control of authorized personnel during working hours. Access during working hours is controlled by Board personnel and the office spaces in which file cabinets and storage devices are located are locked outside official working hours. Computerized system is password protected. The office is located in a building on a military installation which has 24-hour gate sentries and 24-hour roving patrols."

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Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Secretary of the Navy Council of Review Boards, Department of the Navy, Washington Navy Yard, 720 Kennon Street SE, Room 309, Washington, DC 20374-5023.

Written requests for information should contain the full name of the individual, military grade or rate, and date of Disability Evaluation System action. Written requests must be signed by the requesting individual.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records."

Record access procedure:

Delete entry and replace with "Individuals seeking to access information about themselves contained in this system should address written inquiries to the Director, Secretary of the Navy Council of Review Boards, Department of the Navy, Washington Navy Yard, 720 Kennon Street SE, Room 309, Washington, DC 20374-5023.

Written requests for information should contain the full name of the individual, military grade or rate, and date of Disability Evaluation System action. Written requests must be signed by the requesting individual.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records."

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[FR Doc. 2013-29121 Filed 12/05/2013 at 8:45 am; Publication
Date: 12/06/2013]